

**VETERINARY EXAMINING BOARD
MINUTES
AUGUST 4, 2010**

- PRESENT:** Wesley Elford, DVM; Marthina Greer, DVM; JoAnn Kleman, CVT (Connected via Live Meeting/excused at 9:57 a.m.); Donald Peterson, DVM (Connected via teleconference line); William Rice, DVM (Connected via Live Meeting/teleconference line); Robert R. Spencer, DVM (Connected by Live Meeting/teleconference line); Joan Wywialowski (Connected via teleconference line/excused at 11:02 a.m.)
- EXCUSED:** Theresa Waage
- STAFF PRESENT:** Tom Ryan and Nora Wilson, Bureau Directors; Michele Miller Hayes, Legal Counsel; Kimberly Wood, Bureau Assistant; and other DRL Staff
- GUESTS:** Kim Brown Pokorny and Kelly McDowell, Wisconsin Veterinary Medical Association (WVMA); Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP)

CALL TO ORDER

Robert Spencer, Chair, called the meeting to order at 9:36 a.m. A quorum of six (6) members was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- After Item “B” (open session) After the item titled “Administrative Report” **ADD:**
 - Veterinary Licensees Issued and Renewed and Division of Enforcement Case Handling Process
- After Item “B” (open session) Under the item titled “Speaking Engagements and Travel Requests” **ADD:**
 - “Consideration of Attendance at the 2010 AAVSB Annual Meeting, September 16-18, 2010, Baltimore, MD”
- Item “R” (closed session) Under the item titled “Ray Hoover, DVM – Consideration of Application for Re-registration” **ADD:**
 - Additional Information Relating to the Application of Ray Hoover, DVM

MOTION: Marthina Greer moved, seconded by Donald Peterson, to approve the agenda of August 4, 2010 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 26, 2010

Amendments to the Minutes:

- Page 2 of the Minutes: Under the header titled “Board Appointments” correct the third bullet point by removing the word “Digest” and inserting the word “Communications”

MOTION: William Rice moved, seconded by Wesley Elford, to approve the minutes of May 26, 2010 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

DRL Website and Consideration of Review of Website Pages Related to the VEB

Tom Ryan informed the Board that the Department has been encouraging Board’s to review its pages on the Department website. The Board indicated that it would review the website and address this topic at its next meeting.

Board Chair, Vice Chair and Public Member Training – December 2, 3

Tom Ryan informed the Board that the Department is planning a Board Chair, Vice Chair and Public Member Training Session to occur December 2 & 3, 2010. He explained that invitations to the training session will be sent to those individuals that the Board elects as its 2011 Chair and Vice Chair as well as to each Board’s public members. Tom Ryan explained that training session is an expansion of last year’s training in that public members are being included as participants. He indicated that the Department received excellent feedback about last year’s Board Chair and Vice Chair Training and noted that the Department encourages board members to save the date and to attend if invited.

DRL Staff Changes

Tom Ryan indicated that Nora Wilson has been appointed to fill the vacant Bureau Director position that was previously occupied by Gail Sumi. He informed the Board that going forward, Nora Wilson will be the Bureau Director for the Veterinary Examining Board.

Jim Polewski introduced his new colleague Aaron Konkol. He explained that Aaron Konkol has been hired as a prosecutor in the Division of Enforcement and noted that he will be working on the prosecution of the Department’s health profession cases.

VETERINARY LICENSES ISSUED AND RENEWED AND DIVISION OF ENFORCEMENT CASE HANDLING PROCESS

Tom Ryan addressed the Board regarding a question of renewal noticing and its effect on the renewal trends for veterinarians in recent years. The Board discussed the renewal trends for licensed veterinarians. Tom Ryan indicated that there was a decline of approximately 4% of renewing licensees from 2003-2005, but noted that the overall the renewal trend remains over the 90% mark. He reported that Cathy Pond, Administrator - Division of Professional Credentialing, stated that she has overseen the renewal process since 1996 and indicates that a secondary renewal notification has never been sent.

The Board discussed the mailing of a follow-up renewal notice. Dr. Robert Spencer suggested that the Department send a secondary notice to licensees failing to renew by their expiration date to inform them that as their license has expired and that as such they are not legally eligible to practice in Wisconsin. Tom Ryan indicated that he will check with Cathy Pond regarding the ability to send out the suggested follow-up notification.

(JoAnn Kleman was excused at 9:57 a.m.)

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

GRETCHEN L. WILSON, DVM

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Gretchen L. Wilson, DVM. The Board will deliberate this matter during closed session.

KARLA SATHRE, DVM

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Karla Sathre, DVM. The Board will deliberate this matter during closed session.

RAYMOND GNIADEK, DVM

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Raymond Gniadek, DVM. The Board will deliberate this matter during closed session.

JOHN S. TRAVIS, DVM

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against John S. Travis, DVM. The Board will deliberate this matter during closed session.

MARK A. THOMPSON, DVM

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RICHARD J. MLEZIVA, DVM

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Richard J. Mleziva, DVM. The Board will deliberate this matter during closed session.

ROXANNE E. RYGIEWICZ, DVM

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Roxanne E. Rygiewicz, DVM. The Board will deliberate this matter during closed session.

MICHAEL A BEISBIER, DVM

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Michael A. Beisbier, DVM. The Board will deliberate this matter during closed session.

**SPEAKING ENGAGEMENT AND TRAVEL REQUESTS RECEIVED IN THE BUREAU
AFTER PREPARATION OF THE AGENDA**

Consideration of Attendance at the 2010 American Association of Veterinary State Boards (AAVSB) Annual Meeting, September 16-18, 2010, Baltimore, MD

JoAnn Kleman requested that the Board consider sending a representative of the Board to attend the upcoming AAVSB Annual Meeting. She noted that this year's annual meeting is scheduled to occur Thursday, September 16 – Saturday, September 18, 2010 in Baltimore, MD.

MOTION: JoAnn Kleman moved, seconded by Wesley Elford, to designate Marthina Greer as the Board's delegate to attend the AAVSB Annual Meeting in Baltimore, MD on September 16-19, 2010 and to designate JoAnn Kleman as the Board's alternate delegate. Motion carried unanimously.

**DIVISION OF ENFORCEMENT COMPLAINT INTAKE STAFF – REPORT ON
NUMBER AND TYPE OF CASES SCREENED OUT**

This report was not addressed by the Board at this meeting.

**UNLICENSED PRACTICE DISCUSSION
SECRETARY CELIA JACKSON**

Secretary Celia Jackson joined the Board to discuss its request to review unlicensed practice cases received by the Department that are substantially related to the practice of veterinary medicine and to address concerns of a perception of increased unlicensed practice activity within the state related to the practice of veterinary medicine. Discussion of unlicensed practice complaints and the Board's concerns regarding unreported unlicensed practice matters ensued.

Secretary Jackson indicated that she would be willing to share unlicensed practice information with the Board and would arrange for case summary reports of unlicensed practice cases to be provided to the Board for review and comments. She stated that she will need to set parameters relating to the advice that can be provided to the Department by the Board as a precaution measure in light of potential jurisdictional concerns. She indicated that the Department will work with the Board to conduct outreach surrounding the issue of unlicensed practice in order to better inform consumers, licensees and other stakeholders of the issues at hand. Secretary Jackson informed the Board that she would be meeting with representatives of the Wisconsin Veterinary Medical Association on Friday, August 13, 2010 regarding this very issue.

(Joan Wywialowski was excused at 11:02 a.m.)

**NEW MODEL LANGUAGE FOR MONITORING ORDERS AND CONSIDERATION
OF DELEGATED AUTHORITIES TO THE DEPARTMENT MONITOR – PATARA
HORN, DRL DIVISION OF ENFORCEMENT MONITOR
APPEARANCE – 10:30 A.M.**

Patara Horn, DOE Enforcement Monitor, appeared before the Board to present the new model language for monitoring orders and to address questions posed by the Board.

MOTION: Marthina Greer moved, seconded by William Rice, to approve both the new model language for monitoring orders and the Department Monitor's request for delegated authorities. Motion carried unanimously.

REMEDATION MEASURES FOR INADEQUATE VETERINARY MEDICAL RECORDS – BOARD DISCUSSION

Kim Brown-Pokorny, WVMA, reported to the Board and indicated that UW Madison no longer offers a recording keeping course that the Board could use for remediation purposes. The Board asked Kim Brown-Pokorny to inquire of the WVMA Board's willingness to share this course with the Board so that it can determine whether to use the WVMA record keeping course for future cases requiring remediation. The Board requested that this matter be added to its October agenda.

VETERINARY TECHNICIAN EDUCATIONAL REQUIREMENT REVISION TO INCLUDE BACHELOR OF SCIENCE DEGREE – GAIL PIZARRO, OFFICE OF EDUCATION AND EXAMINATIONS

Gail Pizarro, Ph.D., Examination Specialist, joined the Board for discussion of the educational and testing requirements for becoming a Wisconsin licensed veterinary technician. The Board discussed the requirements for education and considered the need to pursue statutory change vs. the adequacy of existing language "equivalent", in the acceptance of a degree other than the currently accepted two year veterinary technician program.

Board discussion then moved to the ability of an applicant to obtain eligibility to test when pursuing "on the job training" as a route to licensure. The Board determined that more research was needed prior to making a determination regarding this matter and requested that Michele Miller Hayes and Gail Pizarro, Ph.D. work together to address any conflicting information obtained from the AAVSB and to develop a legally viable proposal for the Board's review and consideration to be presented at its October meeting.

RULES REVIEW COMMITTEE REPORT

Dr. Rice reported to the Board regarding the progress of the Rules Review Committee. He indicated that the Committee has made some dramatic improvements to the rules. He indicated that the Committee also plans to submit recommendations for statute change as a part of their review. Michele Miller Hayes noted that the WVMA has submitted new recommendations for the Committee to review and indicated that these recommendations will be provided at the next Committee meeting. Dr. Elford suggested that an additional meeting of the Committee be scheduled to occur between now and the October meeting if possible.

PRACTICE QUESTIONS AND FREQUENTLY ASKED QUESTIONS

Veterinary Telemedicine – Christina Minshew-Lewis, Lewis Barnes attorneys at Law – Houston, TX

The Board reviewed a scope of practice question that inquires of the ability of a radiologist, cytologist, pathologist or similar practice using telemedicine services, who is licensed in a sister state to provide consults to an in-state veterinarian under the circumstances listed below. The Board's responses are provided below each outlined item.

- If the patient is under the care of a licensed veterinarian in your state

Board Response: This is acceptable as long as the Wisconsin licensed veterinarian has a current veterinarian/client/patient relationship.

- If the consult is performed either telephonically or electronically

Board Response: A consultation can be performed telephonically or electronically.

- If the consulting veterinarian does not have a physical presence in your state

Board Response: A consulting veterinarian would not be required to have a physical presence in the state.

- If the consulting veterinarian has not developed a veterinarian/client/patient relationship by physical contact.

Board Response: State law requires the establishment of a veterinarian/client/patient relationship. The consulting veterinarian would need to work with a veterinarian with an active Wisconsin license who has established a current veterinarian/client/patient relationship.

What Constitutes the Practice of Veterinary Medicine?

The Board continued its ongoing discussion of what constitutes the practice of veterinary medicine. Michele Miller Hayes informed the Board that the Rules Review Committee will be reviewing WVMA recommendations related to this issue at a future meeting. Kim Brown-Pokorny, WVMA, provided comments during discussion and informed the Board that the WVMA is currently conducting a survey of its membership pertaining to unlicensed practice, its relevance and what is being seen by practitioners of veterinary medicine in this regard. She indicated that the results of this survey are being compiled and will be presented to Secretary Jackson at the meeting WVMA is having with the Department on August 13. The Board asked that Kim Brown-Pokorny provide the results of the unlicensed practice survey for review at its October meeting.

BOARD REVIEW OF FREQUENTLY ASKED QUESTIONS (FAQ) – DISCUSSION OF BOARD MEMBER EDITS AND ADDITIONS

The Board reviewed the practice FAQs as they are published to the Department website and identified questions that should be removed, revised or referred to the Rules Review Committee.

INFORMATIONAL ITEMS

Noted.

LEGISLATIVE LIAISON REPORT

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Donald Peterson moved, seconded by Wesley Elford, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by a roll call vote: Wesley Elford-yes; Marthina Greer-yes; Donald Peterson-yes; William Rice-yes; and Robert R. Spencer-yes.

The Board convened into Closed Session at 12:24 p.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Wesley Elford moved, seconded by Marthina Greer, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open session at 1:13 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF
VOTING IS APPROPRIATE**

Noted.

DELIBERATION OF PROPOSED STIPULATIONS

GRETCHEN L. WILSON, DVM

MOTION: Donald Peterson moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Gretchen L. Wilson, DVM (06 VET 030). Motion carried unanimously.

KARLA SATHRE, DVM

MOTION: Donald Peterson moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Karla Sathre, DVM (07 VET 014). Motion carried unanimously.

RAYMOND GNIADEK, DVM

MOTION: Marthina Greer moved, seconded by William Rice, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Raymond Gniadek, DVM (10 VET 020). Motion carried unanimously.

JOHN S. TRAVIS, DVM

MOTION: William Rice moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against John S. Travis, DVM (08 VET 010). Motion carried unanimously.

MARK A. THOMPSON, DVM

MOTION: William Rice moved, seconded by Donald Peterson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Mark A. Thompson, DVM (08 VET 019). Motion carried unanimously.

RICHARD J. MLEZIVA, DVM

MOTION: Marthina Greer moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Richard J. Mleziva, DVM (06 VET 049). Motion carried unanimously.

ROXANNE E. RYGIEWICZ, DVM

MOTION: Marthina Greer moved, seconded by Donald Peterson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Roxanne E. Rygiewicz, DVM (07 VET 006, 07 VET 050, 09 VET 039). Motion carried unanimously.

MICHAEL A BEISBIER, DVM

MOTION: William Rice moved, seconded by Donald Peterson, to adopt the corrected Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Michael Beisbier, DVM (07 VET 046). Motion carried unanimously.

CONSIDERATION OF ADMINISTRATIVE WARNINGS

07 VET 027

MOTION: Marthina Greer moved, seconded by Wesley Elford, to issue an administrative warning in the matter of case number 07 VET 027. Motion carried unanimously.

08 VET 004

MOTION: Wesley Elford moved, seconded by Donald Peterson, to issue an administrative warning in the matter of case number 08 VET 004. Motion carried unanimously.

CASE STATUS REPORTS

Noted.

CASE CLOSINGS

06 VET 016

MOTION: Marthina Greer moved, seconded by Donald Peterson, to close case 06 VET 016 for prosecutorial discretion (P7). Motion carried unanimously.

07 VET 034

MOTION: William Rice moved, seconded by Wesley Elford, to close case 07 VET 034 against D.G. for no violation. Motion carried unanimously.

07 VET 020

MOTION: Wesley Elford moved, seconded by Donald Peterson, to close case 07 VET 020 for prosecutorial discretion (P7). Motion carried unanimously.

08 VET 011

MOTION: William Rice moved, seconded by Donald Peterson, to close case 08 VET 011 for no violation against V.D. and against R.S. for prosecutorial discretion (P1). Motion carried unanimously.

09 VET 056

MOTION: Wesley Elford moved, seconded by Marthina Greer, to close case 09 VET 056 for prosecutorial discretion (P3). Motion carried. Abstained: William Rice

09 VET 040

MOTION: Marthina Greer moved, seconded by Wesley Elford, to close case 09 VET 040 for prosecutorial discretion (P5). Motion carried unanimously.

09 VET 001

MOTION: William Rice moved, seconded by Donald Peterson, to close case 09 VET 001 against N.M. for no violation. Motion carried unanimously.

APPLICATION ISSUES

RAY HOOVER, DVM

The Board received an update relevant to the application of Ray Hoover, DVM. The Board will act upon this matter once a response has been received from the applicant.

CONSULTING WITH LEGAL COUNSEL

Michele Miller Hayes, Legal Counsel, was available to the Board for consultation for the duration of closed session deliberations.

ADJOURNMENT

MOTION: William Rice moved, seconded by Wesley Elford, to adjourn. Motion carried unanimously.

The meeting adjourned at 1:24 p.m.